

PATENT APPLICATION

ATTORNEY DOCKET NO.: A2038-US-NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE HONORABLE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of Confirmation No.: 4221  
Vincent Vaccarelli et al. Group Art Unit: 25453  
Application No.: 10/083,263 Examiner: Wong, Eric Tak Wai  
Filed: February 25, 2002  
For: CUSTOMER SATISFACTION SYSTEM AND METHOD

BRIEF ON APPEAL

Appeal from Group 3693

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TABLE OF CONTENTS

	<u>Page</u>
I. REAL PARTY IN INTEREST .....	1
II. STATEMENT OF RELATED APPEALS AND INTERFERENCES .....	2
III. STATUS OF CLAIMS .....	3
IV. STATUS OF AMENDMENTS .....	4
V. SUMMARY OF CLAIMED SUBJECT MATTER .....	5
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL.....	8
VII. ARGUMENT.....	9
A. <u>Claims 1-2, 4-9, and 19-20 are not anticipated under 35 USC 102(b) by Remedy (as evidenced by Newswire (“Remedy Introduces New Applications to the Customer Relationship Managemenet (CRM) Market”) and Strauss (“My Remedy what!? Has been resolved???”))</u> .....	9
1. <u>Claims 1-2, 4-9, and 19-20</u> .....	9
a. <u>Remedy does not send open ended queries to customers; Remedy does not send “a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer’s satisfaction.”</u> .....	9
b. <u>Remedy discloses a tracking system for computer support problems; Remedy is not a customer satisfaction system</u> .....	11
B. <u>Claim 3 is patentable under 35 USC 103(a) over Remedy</u> .....	12
1. <u>Dependent Claim 3 depends from dependent claim 2, which depends from independent claim 1. Accordingly, the arguments submitted with respect to claims 1 and 2 apply to claim 3.</u> .....	12
a. <u>Remedy does not send open ended queries to customers; Remedy does not send “a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer’s satisfaction.”</u> .....	12
b. <u>Remedy discloses a tracking system for computer support problems; Remedy is not a customer satisfaction system</u> .....	13
C. <u>Claim 21 is patentable under 35 USC 103(a) over Remedy in view of Official Notice (that “yes” and “no” hyperlinks enabling a response were old and well</u>	

<u>known at the time of invention and further citing (in the remarks section Gusick, US PG-Pub 2001/0047270)).....</u>	<u>14</u>
1. <u>Dependent Claim 21 depends from dependent claim 4, which depends from independent claim 1. Accordingly, the arguments submitted with respect to claims 1 and 4 apply to claim 21. ....</u>	<u>14</u>
a. <u>Remedy does not send open ended queries to customers; Remedy does not send “a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer’s satisfaction.”.....</u>	<u>14</u>
b. <u>Remedy discloses a tracking system for computer support problems; Remedy is not a customer satisfaction system.....</u>	<u>15</u>
VIII. CONCLUSION.....	17
CLAIMS APPENDIX.....	A-1
EVIDENCE APPENDIX.....	B-1
RELATED PROCEEDINGS APPENDIX .....	C-1

II. REAL PARTY IN INTEREST

The real party in interest for this appeal and the present application is Xerox Corporation, by way of an Assignment recorded on February 25, 2002 in the U.S. Patent and Trademark Office at Reel 12645, Frame 765-766.

**III. STATEMENT OF RELATED APPEALS AND INTERFERENCES**

An appeal was previously filed in this application, which appeal resulted in the reversal of the Examiner's grounds for rejection. Subsequent to the Decision on Appeal, the application was rejected on new grounds. Hence this appeal.

There are no prior or pending interferences or judicial proceedings, known to Appellants, Appellants' representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal.

IV. STATUS OF CLAIMS

Claims 1-9, 19-21 are on appeal.

Claims 1-9, 19-21 are pending.

Claims 1-9, 19-21 are rejected.

Claims 10-18 are canceled.

V. STATUS OF AMENDMENTS

No Amendment after Final Rejection has been filed.

## VI. SUMMARY OF CLAIMED SUBJECT MATTER

The goal of most customer satisfaction systems is to eliminate problems and thus ensure repeat business. A customer satisfaction system typically includes customer support and some sort of feedback technique to determine if the customer support is adequate. In the typical customer support model, a customer purchases goods or services from a provider. If there is a problem with the goods or services, the customer contacts a customer service representative who works to fix the problem. Customer service may be provided via telephone support (in which a representative helps the customer solve his problem directly), or via a network connection (such as the Internet or an intranet). It may also be provided by posting (on a network) a list of frequently asked questions (“faqs”) and providing a form for the customer to use to request support if the list of faqs does not solve his problem.

To measure how well customer support is solving customer problems (via telephone or network), many customer satisfaction systems rely on surveys. In some cases, a follow-up survey will be sent to the customer after the completion of a service call. Frequently, only a small percentage of customers respond, so customer service does not know if, and how well, all of the customer problems were resolved. In other cases, a generalized marketing survey may be sent to all customers in a certain demographic. Generalized customer satisfaction marketing surveys, like most surveys, also suffer from limited customer response. Marketing surveys follow a “measure and report” sequence that frequently results in delayed improvements to solve general problems identified, if any. Consequently, customers with unique or urgent problems become dissatisfied and disloyal, resulting in profit declines. Other problems with current customer satisfaction systems include: biased samples, delayed remedies, nominal guidance, constrained learning, limited usage, high costs, and questionable value.

A customer problem is the difference between the customer's expectation and the provider's or the product's performance. Total customer satisfaction can be achieved by the elimination of customer problems. Appellant's system for ensuring customer satisfaction includes a query module for automatically sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction, according to a predetermined schedule, and for receiving responses from customers to the queries, wherein a query includes a user interface for receiving responses input from a customer. By using a frequent query of all customers of a particular demographic, the customer satisfaction method follows a "sense and respond" sequence, immediately conveying specific problems of individual customers to designated problem solvers until the customers confirm the problems are solved, then reporting problems conveyed along with solutions implemented. Customer satisfaction is assured as well as measured, supporting profits and organizational learning.

The invention of Claim 1 is directed to a customer satisfaction system 100, comprising a query module 10, an analysis module 20 and at least one problem solver module 50 (patent application [hereinafter "pa"], page 2, lines 24-30 and Figure 1). The query module 10 automatically sends a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction, according to a predetermined schedule, and receives responses from customers to the queries, wherein a query includes a user interface for receiving responses input from a customer (pa, page 2, lines 25-26, page 4, line 16, Figure 3). An analysis module analyzes responses from customers to identify a customer problem, sends the identified customer problem to a problem solver module for resolution by a problem solver, tracks status of the identified

customer problem (pa, page 2, lines 27-29 and page 4, line 25). At least one problem solver module receives an identified customer problem from the analysis module, transmits the identified customer problem to a problem solver, receives a solution to the identified customer problem from the problem solver, and transmits the solution to the customer (pa, page 2, lines 29-30, page 4, lines 19-25). Upon transmission of the solution to the identified customer problem to the customer, the problem solver module notifies the analysis module of the solution and the analysis module causes the query module to send a query to the customer requesting verification that the problem has been solved (pa, page 4, lines 26-30).

**VII. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The following grounds of rejection are presented for review:

Claims 1-2, 4-9, and 19-20 were rejected under 35 USC 102(b) as being anticipated by Remedy (as evidenced by Newswire (“Remedy Introduces New Applications to the Customer Relationship Management (CRM) Market”) and Strauss (“My Remedy what!? Has been resolved????”)).

Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Remedy.

Claim 21 was rejected under 35 USC 103(a) as being unpatentable over Remedy in view of Official Notice (that “yes” and “no” hyperlinks enabling a response were old and well known at the time of invention and further citing (in the remarks section Gusick, US PG-Pub 2001/0047270)).

## VIII. ARGUMENT

A customer problem is the difference between the customer's expectation and the provider's or the product's performance. Total customer satisfaction can be achieved by the elimination of customer problems. In prior art customer satisfaction systems, typically a survey is sent to the customer. Generalized customer satisfaction surveys, like most surveys, suffer from limited customer response. Marketing surveys also generally report evaluations without specific indications for improvement, and follow a "measure and report" sequence that frequently results in delayed improvements to solve general problems identified, if any. Consequently, customers with unique or urgent problems become dissatisfied and disloyal, resulting in profit declines. Appellants' invention goes a long way toward eliminating customer problems by sending an open-ended query to customers, analyzing the customer responses, assigning the customer problems to appropriate problem solvers, forwarding the responses to the customers and making sure the solution actually fixed the problem. Appellants' invention in one embodiment employs email for communication and provides a query that may be responded to with a simple yes or no response.

A. Claims 1-2, 4-9, and 19-20 are not anticipated under 35 USC 102(b) by Remedy (as evidenced by Newswire ("Remedy Introduces New Applications to the Customer Relationship Management (CRM) Market") and Strauss ("My Remedy what!? Has been resolved????")).

### 1. Claims 1-2, 4-9, and 19-20

a. Remedy does not send open ended queries to customers; Remedy does not send "a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction."

Appellants' system includes a query module for automatically sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction. A "query as to whether the

customer has any problems" is an open-ended query. The customer is not limited by his response to a particular device or service call. Nor must a customer have already opened a ticket for service to receive the query. Open-ended queries result in more responses from recipients of the open-ended query. A side benefit of open ended queries is that some customers respond with praise and other positive comments about the provider's goods or services.

The Examiner notes that "Remedy" (Strauss, but it does not appear that Newswire so indicates) sends a query to the customer after the customer has already opened a ticket rather than sending the query to a customer before the opening of a ticket. The Examiner further states that the references meet the limitation of the claim since the claim does not recite any required order. Appellants respectfully disagree. Remedy sends queries in response to known problems, as indicated by the customer submitted job ticket. Appellants' claim 1 includes a query module for "sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction". Remedy's query sent in response to a customer opening a ticket is clearly not "a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction". Remedy's query sent in response to a customer opening a ticket for service is clearly not an open ended query. When Remedy sends a query to a customer, Remedy already knows the customer has a problem. In contrast, Appellants' system makes no such assumption.

- b. Remedy discloses a tracking system for computer support problems; Remedy is not a customer satisfaction system.

The primary purpose of Remedy is to provide a central tracking system for every conceivable type of computer support action (Remedy/Strauss bottom of page 1). Remedy customers are expected to initiate their own job tickets for support requests. In future versions of

Remedy (see page 4 of Remedy/Strauss), customers will log into a website to enter their job tickets, check status and “fill out a customer satisfaction survey, following a prompt after trouble call closure” (page 5 of Remedy/Strauss). This aspect of Remedy is the same as all prior art systems that ask a customer to fill out a customer satisfaction survey after receipt of service.

A tracking system can only track those job tickets/service requests the customers have input into the system. Appellants’ customer satisfaction system identifies more problems than a tracking system which relies entirely on customer initiated problems. A tracking system is not the same as Appellants’ customer satisfaction system. The goal of a tracking system is to keep track of all job tickets/service requests that customers have input into the system. The goal of a customer satisfaction system is to eliminate problems and thus ensure repeat business. In order to eliminate problems, all problems must be identified. This is not achieved by waiting for customers to initiate the request. Appellants’ customer satisfaction system eliminates problems by sending open-ended queries to customers, thereby eliciting more responses (both those that indicate a problem and those that indicate there is no problem). The analysis module in Appellants’ system analyzes responses from customers to identify a customer problem. If a problem is identified, it is routed to a problem solver module for resolution. Since more problems are identified earlier, more problems can be fixed earlier, ensuring greater customer satisfaction.

B. Claim 3 is patentable under 35 USC 103(a) over Remedy.

1. Dependent Claim 3 depends from dependent claim 2, which depends from independent claim 1. Accordingly, the arguments submitted with respect to claims 1 and 2 apply to claim 3.
  - a. Remedy does not send open ended queries to customers; Remedy does not send “a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer’s satisfaction.”

Appellants' system includes a query module for automatically sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction. A "query as to whether the customer has any problems" is an open-ended query. The customer is not limited by his response to a particular device or service call. Nor must a customer have already opened a ticket for service to receive the query. Open-ended queries result in more responses from recipients of the open-ended query. A side benefit of open ended queries is that some customers respond with praise and other positive comments about the provider's goods or services.

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b. Remedy discloses a tracking system for computer support problems; Remedy is not a customer satisfaction system.

The primary purpose of Remedy is to provide a central tracking system for every conceivable type of computer support action (Remedy/Strauss bottom of page 1). Remedy customers are expected to initiate their own job tickets for support requests. In future versions of Remedy (see page 4 of Remedy/Strauss), customers will log into a website to enter their job tickets, check status and “fill out a customer satisfaction survey, following a prompt after trouble call closure” (page 5 of Remedy/Strauss). This aspect of Remedy is the same as all prior art systems that ask a customer to fill out a customer satisfaction survey after receipt of service.

A tracking system can only track those job tickets/service requests the customers have input into the system. Appellants’ customer satisfaction system identifies more problems than a tracking system which relies entirely on customer initiated problems. A tracking system is not the same as Appellants’ customer satisfaction system. The goal of a tracking system is to keep track of all job tickets/service requests that customers have input into the system. The goal of a customer satisfaction system is to eliminate problems and thus ensure repeat business. In order to eliminate problems, all problems must be identified. This is not achieved by waiting for customers to initiate the request. Appellants’ customer satisfaction system eliminates problems by sending open-ended queries to customers, thereby eliciting more responses (both those that indicate a problem and those that indicate there is no problem). The analysis module in Appellants’ system analyzes responses from customers to identify a customer problem. If a problem is identified, it is routed to a problem solver module for resolution. Since more problems are identified earlier, more problems can be fixed earlier, ensuring greater customer satisfaction.

C. Claim 21 is patentable under 35 USC 103(a) over Remedy in view of Official Notice (that “yes” and “no” hyperlinks enabling a response were old and well known at the time of invention and further citing (in the remarks section Gusick, US PG-Pub 2001/0047270)).

1. Dependent Claim 21 depends from dependent claim 4, which depends from independent claim 1. Accordingly, the arguments submitted with respect to claims 1 and 4 apply to claim 21.
  - a. Remedy does not send open ended queries to customers; Remedy does not send “a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer’s satisfaction.”

Appellants’ system includes a query module for automatically sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer’s satisfaction. A “query as to whether the customer has any problems” is an open-ended query. The customer is not limited by his response to a particular device or service call. Nor must a customer have already opened a ticket for service to receive the query. Open-ended queries result in more responses from recipients of the open-ended query. A side benefit of open ended queries is that some customers respond with praise and other positive comments about the provider’s goods or services.

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Appellants' system analyzes responses from customers to identify a customer problem. If a problem is identified, it is routed to a problem solver module for resolution. Since more problems are identified earlier, more problems can be fixed earlier, ensuring greater customer satisfaction.

IX. CONCLUSION

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that Claims 1-9, 19-21 are in condition for allowance. For all of the above reasons, Appellants respectfully request this Honorable Board to reverse the rejections of Claims 1-9, 19-21.

Respectfully submitted,

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CLAIMS APPENDIX

CLAIMS INVOLVED IN THE APPEAL:

1. (Previously Presented) A customer satisfaction system, comprising:
  - a query module for automatically sending a query to a customer as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction, according to a predetermined schedule, and for receiving responses from customers to the queries, wherein a query includes a user interface for receiving responses input from a customer;
  - an analysis module for analyzing responses from customers to identify a customer problem, for sending the identified customer problem to a problem solver module for resolution by a problem solver, and for tracking status of the identified customer problem; and
  - at least one problem solver module for receiving an identified customer problem from the analysis module, for transmitting the identified customer problem to a problem solver, for receiving a solution to the identified customer problem from the problem solver, and for transmitting the solution to the customer;

wherein, upon transmission of the solution to the identified customer problem to the customer, the problem solver module notifies the analysis module of the solution and the analysis module causes the query module to send a query to the customer requesting verification that the problem has been solved.
2. (Original) The system of claim 1, further comprising a memory for storing a copy of each query sent, response received, problem identified and solution generated.

3. (Original) The system of claim 2, further comprising a report generator module for generating a report of queries sent, responses received, problems identified and solutions generated.

4. (Original) The system of claim 1, wherein the query module sends queries via e-mail and receives responses via e-mail.

5. (Previously Presented) The system of claim 1, wherein the analysis module includes a pattern recognition system for analyzing customer responses.

6. (Original) The system of claim 3, wherein the report generator module includes a problem reporting module and a customer relationship management database.

7. (Original) The system of claim 5, further comprising an account activity module including records of customer account activity for storing a record of customer queries, customer responses, customer problems and solutions.

8. (Original) The system of claim 1, wherein the predetermined schedule comprises once a month.

9. (Original) The system of claim 1, wherein the predetermined schedule comprises once a week.

Claims 10 - 18 (Cancelled)

19. (Previously Presented) The system of claim 1, wherein, the analysis module, responsive to a response from the customer verifying that the problem has been solved to the customer's satisfaction, for closing the identified customer problem.

20. (Previously Presented) The system of claim 1, wherein, the analysis module, responsive to a response from the customer that the problem has not been solved, opens a new customer problem.

21. (Previously Presented) The system of claim 4, wherein an email query includes a yes link for enabling a customer to respond in the affirmative to the query as to whether the customer has any problems with goods or services provided by a provider that have not been resolved to the customer's satisfaction and a no link for enabling a customer to respond in the negative, wherein responsive to selection of the yes link, the system displays an interface for receiving input from the customer describing the problem that has not been resolved to the customer's satisfaction.

EVIDENCE APPENDIX

NONE

RELATED PROCEEDINGS APPENDIX

NONE